

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RUSTAM MUSTAFIN, *individually and behalf*
of all others similarly situated,

Plaintiff,

v.

GREENSKY, INC., DAVID ZALIK, ROBERT
PARTLOW, JOEL BABBIT, GERALD
BENJAMIN, JOHN FLYNN, GREGG
FREISHTAT, NIGEL MORRIS, ROBERT
SHEFT, GOLDMAN SACHS & CO. LLC, J.P.
MORGAN SECURITIES LLC, MORGAN
STANLEY & CO. LLC, SUNTRUST ROBINSON
HUMPHREY, INC., MERRILL LYNCH, PIERCE,
FENNER & SMITH INC., CITIGROUP GLOBAL
MARKETS INC., CREDIT SUISSE SECURITIES
(USA) LLC, RAYMOND JAMES &
ASSOCIATES, INC., GUGGENHEIM
SECURITIES, LLC, SANDLER O'NEILL &
PARTNERS, L.P., and FIFTH THIRD
SECURITIES, INC.,

Defendants.

Case No. 1:18-cv-11071 (PAE)

BRADLEY YU, *individually and behalf of all*
others similarly situated,

Plaintiff,

v.

GREENSKY, INC., DAVID ZALIK, ROBERT
PARTLOW, JOEL BABBIT, GERALD
BENJAMIN, JOHN FLYNN, GREGG
FREISHTAT, NIGEL MORRIS, ROBERT
SHEFT, GOLDMAN SACHS & CO. LLC, J.P.
MORGAN SECURITIES LLC, MORGAN
STANLEY & CO. LLC, SUNTRUST ROBINSON
HUMPHREY, INC., MERRILL LYNCH, PIERCE,
FENNER & SMITH INC., CITIGROUP GLOBAL
MARKETS INC., CREDIT SUISSE SECURITIES
(USA) LLC, RAYMOND JAMES &

Case No. 1:19-cv-100

ASSOCIATES, INC., GUGGENHEIM)
SECURITIES, LLC, SANDLER O'NEILL &)
PARTNERS, L.P., and FIFTH THIRD)
SECURITIES, INC.,)
Defendants.)
)

**[PROPOSED] ORDER CONSOLIDATING CASES, APPOINTING THE FUND GROUP
LEAD PLAINTIFF, AND APPROVING SELECTION OF COUNSEL**

Having considered the papers filed in support of Northeast Carpenters Annuity Fund (“Northeast Carpenters”), El Paso Firemen & Policemen’s Pension Fund (“El Paso”), and the Employees’ Retirement System of the City of Baton Rouge and Parish of East Baton Rouge’s (“CPERS”) (collectively, the “Fund Group” or “Movant”) Motion for Appointment as Lead Plaintiff, Appointment of Lead Counsel, and Consolidation of Related Actions, and for good cause shown, the Court hereby enters the following Order (the “Order”).

IT IS HEREBY ORDERED THAT:

1. The above-captioned actions are consolidated for all purposes (the “Consolidated Action”). The Order shall apply to the Consolidated Action and to each case that related to the same subject matter that is subsequently filed in this Court or is transferred to this Court, and is consolidated with the Consolidated Action.

2. A Master File is established for this proceeding. The Master File shall be Case No. 1:18-cv-11071 (PAE). The Clerk shall file all pleadings in the Master File and note such filings on the Master Docket.

3. An original of this Order shall be filed by the Clerk in the Master File.

4. The Clerk shall mail a copy of this Order to counsel of record in the Consolidated Action.

5. Every pleading in the Consolidated Action shall have the following caption:

In re Greensky, Inc. Securities Litigation

Case No. 1:18-cv-11071 (PAE)

6. The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that may properly be consolidated as part of the Consolidated Action.

7. When a case that arises out of the same subject matter as the Consolidated Action is hereinafter filed in this Court or transferred from another court, the Clerk of this Court shall:

- a. File a copy of this Order in the separate file for such action;
- b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case, and to any new defendant(s) in the newly-filed case; and
- c. Make the appropriate entry in the Master Docket for the Consolidated Action.

8. Each new case that arises out of the subject matter of the Consolidated Action shall be consolidated with the Consolidated Action. This Order shall apply thereto, unless a party objects to consolidation (as provided for herein), or to any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party by filing an application for relief, and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of Defendants' right to object to the consolidation of any subsequently-filed or transferred related action.

9. The Court hereby appoints the Fund Group, consisting of Northeast Carpenters, El Paso, and CPERS, as Lead Plaintiff in this action. The Fund Group satisfies the requirements

for lead plaintiff appointment pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”);

10. Lead Plaintiff Fund Group, pursuant to Section 21D(a)(3)(B) of the Exchange Act, as amended by the PSLRA, has selected and retained Cohen Milstein Sellers & Toll PLLC and Scott + Scott Attorneys at Law LLP as Co-Lead Counsel, and the Court approves that selection;

11. Lead Counsel shall have the following responsibilities and duties:

- a. to coordinate the briefing and argument of motions;
- b. to coordinate the conduct of discovery proceedings;
- c. to coordinate the examination of witnesses in depositions;
- d. to coordinate the selection of counsel to act as a spokesperson at pretrial conferences;
- e. to call meetings of the plaintiffs’ counsel as they deem necessary and appropriate from time to time;
- f. to coordinate all settlement negotiations with counsel for defendants;
- g. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- h. to supervise any other matters concerning the prosecution, resolution or settlement of this action.

12. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative

pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Lead Counsel;

13. Counsel in any related action that is consolidated with this action shall be bound by this selection of Lead Counsel;

14. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices;

15. Defendants shall effect service of papers on plaintiffs by serving a copy on Lead Counsel by overnight mail service, electronic mail, or hand delivery;

SO ORDERED.

Dated:

Paul A. Englemayer
United States District Judge